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| To: | Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of California on the following: X Patents or Trademarks:

| | | |
|------------------------------------|------------------------------------|--|
| DOCKET NO. | DATE FILED | US District Court Southern District of California |
| 3:10-cv-00338-MMA -RBB | 2/11/10 | San Diego, CA |
| PLAINTIFF | | DEFENDANT |
| Oakley, Inc. | | NY Eyewear Trading, INC. |
| PATENT OR TRADEMARK NO. | PATENT OR TRADEMARK NO. | PATENT OR TRADEMARK NO. |
| 1. 5,387,949 | 6. D483,791 | 11. <u> </u> |
| 2. D415,188 | 7. D470,166 | 12. <u> </u> |
| 3. 5,054,903 | 8. D561,813 | 13. <u> </u> |
| 4. 5,137,342 | 9. D581,443 | 14. <u> </u> |
| 5. D473,892 | 10. D581,444 | 15. <u> </u> |

In the above-entitled case, the following patents(s)/ trademark(s) have been included:

| | | | |
|------------------------------------|------------------------------------|------------------------------------|-------------------|
| DATE INCLUDED | INCLUDED BY | | |
| | <u>Amendment</u> | <u>Answer</u> | <u>Cross Bill</u> |
| | <u>Other Pleading</u> | | |
| PATENT OR TRADEMARK NO. | PATENT OR TRADEMARK NO. | PATENT OR TRADEMARK NO. | |
| 1. <u> </u> | 6. <u> </u> | 11. <u> </u> | |
| 2. <u> </u> | 7. <u> </u> | 12. <u> </u> | |
| 3. <u> </u> | 8. <u> </u> | 13. <u> </u> | |
| 4. <u> </u> | 9. <u> </u> | 14. <u> </u> | |
| 5. <u> </u> | 10. <u> </u> | 15. <u> </u> | |

In the above-entitled case, the following decision has been rendered or judgment issued:

| | | |
|--------------------------|--------------------------|-------------|
| DECISION/JUDGMENT | <i>Attached</i> | |
| CLERK | (BY) DEPUTY CLERK | DATE |
| W. Samuel Hamrick, Jr. | <i>Sherrin</i> | 1/7/2010 |

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OAKLEY, INC., a Washington
corporation,

Plaintiff,

vs.

NY EYEWEAR TRADING, INC.
Defendant.

Case No.: 10CV0338 MMA (RBB)

NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE

NOTICE IS HEREBY GIVEN THAT pursuant to Federal Rule of Civil
Procedure, Rule 41(a), Plaintiff hereby voluntarily dismisses Defendant NY
Eyewear Trading, Inc. in the above captioned action without prejudice.

DATED: WEEKS, KAUFMAN, NELSON & JOHNSON

/s/ Gregory K. Nelson
GREGORY K. NELSON
Attorney for Plaintiff, Oakley, Inc.